

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125-17
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
GUADALUPE J. HERNANDEZ,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
Defendant)	<u>REFERRAL TO U. S. PROBATION</u>
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of Guadalupe J. Hernandez, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a thirty-six count superseding indictment charging Defendant Guadalupe J. Hernandez with; Conspiracy to Smuggle Aliens into and within the United States in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(1); and Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud and Structuring Financial Transactions in violation of Title 18, United States Code, Section 371. On January 17, 2007, Defendant Hernandez was arraigned before Magistrate Judge Nancy A. Vecchiarelli and entered a plea of guilty to counts 2 and 3 of the superseding indictment and issued a Report and

Recommendation (“R&R”) concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on January 18, 2007.

Neither party submitted objections to the Magistrate Judge’s R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge’s R&R is adopted. Defendant Hernandez is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Hernandez is adjudged guilty of Counts 2 and 3 of the superseding indictment, in violation of Title 8 United States Code, Section 1324(a)(1)(A)(v)(I); and Title 18 United States Code, Section 371.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE